REMARKS

Claims 1-17 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Further, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Reconsideration of this application is respectfully requested.

Information Disclosure Statement

Examiner objected because copies of items 6 and 8 of Applicant's Information Disclosure Statement were not included. Reference item 6 was cited incorrectly. Reference EP0645919A, as cited in the International Search Report, should have been cited in its place and is now included with this amendment along with its corresponding US patent 5,559,959 as a translation. Reference 8 (1 double sided page) is also included herewith. Please charge the $180.00 fee under 37 CFR 1.17(p) for submitting art after the mailing date of a first Office Action.

Objection to the Specification/Drawings

The specification was objected to because on page 10, line 10 of the specification, the term "fabric 82" was not shown in FIG.5. A marked up version of FIG.5 is included with "82" added to indicate "fabric" per the specification. To expedite prosecution, formal drawings are being submitted along with this amendment.

35 U.S.C. § 102(e)

Claims 1-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ying (U.S. Patent No. 6,094,416, hereinafter Ying). This rejection is respectfully traversed. Applicants' independent claim 1 calls for, among other things, in a *vehicle* comprising a first device and a

second device and an *active network communicatively coupling first and second device*, the first device having a first and second communication coupling to the active network. Applicants' independent claim 10 calls for, among other things, in a *vehicle* comprising an *active network*, a *first communication coupling from a device to the active network* at a first location and a *second communication coupling from the device to the active network* at a second location on the active network.

Ying teaches an automatic redundant backup master control for a master control node (column 2, lines 34-36). Ying teaches exclusively one or more networks with main data buses and main data bus controllers (column 4, lines 5-33; column 4, lines 50- 55; column 5, lines 9-50; et al.). Even Figure 5 and references to Figure 5 (column 6, line 51 to column 9, line 55) in Ying teach exclusively a bus type network. In fact, Ying points out that a communication protocol is preferably established so as to avoid collisions on each of the data buses (column 9, lines 23-24), which is indicative of a bus-type network.

Ying does not teach or suggest a *vehicle* comprising a first device and a second device and an *active network communicatively coupling first and second device*, the first device having a first and second communication coupling to the active network, or in a *vehicle* comprising an *active network*, a *first communication coupling from a device to the active network* at a first location and a *second communication coupling from the device to the active network* at a second location on the active network.

Put simply, Ying does not disclose or teach an active network. Contrary to Examiner's assertions, an active network is fundamentally different from the bus-type networks and bus controllers disclosed by Ying. As is known in the art, an active network is a network that does **not** use a bus-type architecture or a central computing resource such as a bus controller (i.e. a network utility or arbiter as described on page 6, lines 4-6 of the Applicant's specification). Active elements within an active network enable multiple simultaneous communication paths between devices within the network/vehicle (page 7, lines 6-7 of Applicant's specification). This is in stark contrast to the bus-type network disclosed by Ying, and as illustrated by Ying's teaching "a communication protocol is preferably established so as to avoid collisions on each of the data buses" (column 9, lines 23-24). In a bus network, there are no simultaneous communication paths between devices, only the bus communication path is available between all devices. In an active network, there is no bus and no collisions between packets when

communicating between two nodes. An active network is a network in which the nodes are programmed to perform custom operations on the messages that pass through the node. An active network does not require or use a central server or computing resource, as each node in the active network passes "smart packets" that use a self-describing language that allows information carried within a packet to be operated on by a node in the active network.

"A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference." Verdegall Bros. V. Union Oil Co. Of California, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). MPEP § 2131. Contrary to Examiner's statement that all elements are disclosed in Ying, Applicants' claimed elements including a vehicle and *an active network and one or more devices communicatively coupled to an active network*, are not disclosed or taught in Ying. Ying therefore does not teach or suggest a vehicle and *an active network and one or more devices communicatively coupled to an active network.* Since Ying does not contain at least these features of the applicants' independent claims 1 and 10, it does not include all of the elements of applicants' independent claims 1 and 10 and therefore cannot anticipate applicants' independent claims.

Claims 2-9 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on reference of Ying for at least the same reasons as claim 1.

Claims 11-17 depend either directly or indirectly from claim 10 and are believed to be allowable over the relied on reference of Ying for at least the same reasons as claim 10.

Prior Art Not Relied Upon

The references cited but not relied upon are not believed to anticipate or make obvious applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any

claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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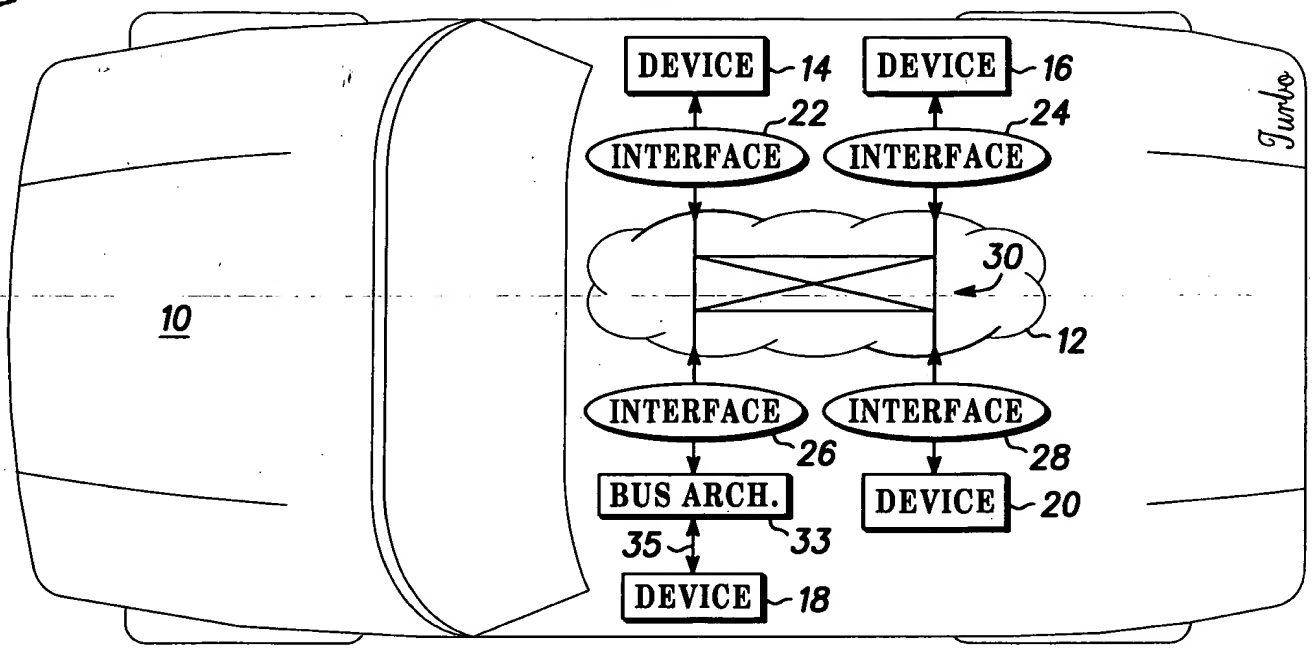

FIG. 3

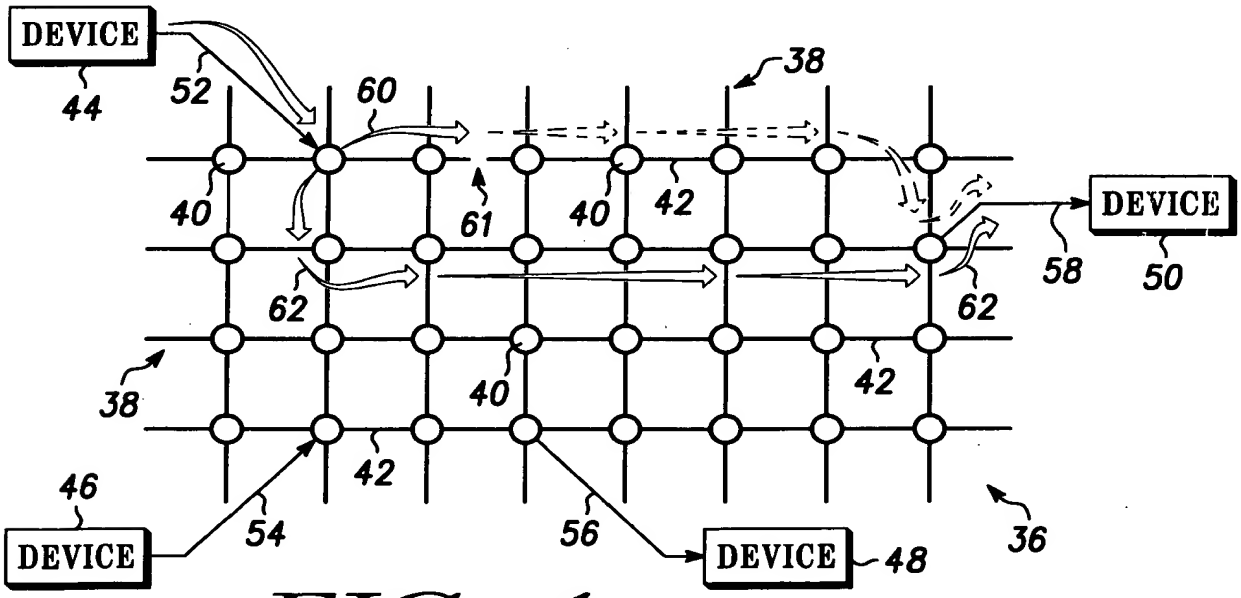

FIG. 4

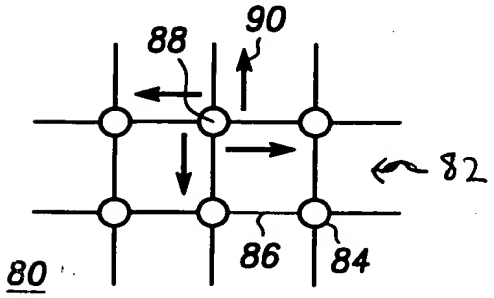

FIG. 5

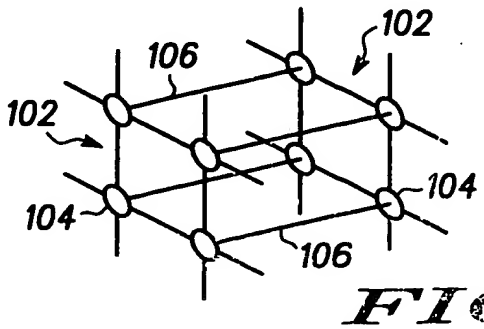

FIG.